



**Minutes for Meeting of
Thursday, October 9, 2003**

Item-1: Call to Order.

Chairwoman Dorothy Smith called the meeting to order at 5:05 p.m.

Item-2: Roll Call.

Present – Chairwoman Dorothy Smith, Commissioners Edward F. Kolker, Dorothy Leonard, Karen Thomas-Stefano, and Gregory Vega.

Staff – Deputy City Attorney Rick Duvernay, Dave James, Deputy City Attorney, Legal Assistant Steve Ross, Investigator Stacey Fulhorst, Executive Secretary Janet MacFarlane.

Excused – Commissioners Charles H. Dick, Jr., April Riel

Item-3: Random Drawing for Audit of 2002 Election Cycle (Ballot Measure Committees).

Chairwoman Smith reported that the ballot measure committees identified for potential audit in 2003, based on reported campaign activity between \$10,000 and \$74,999 were the San Diegans for the Protection of Responsible Beach Rights, and the San Diegans for Safe Beaches Committees. Ballot measure committees eligible for audit in the \$75,000 and above category were the No on F – A Project of the Taxpayer Protection Association, Save Mission Bay, Save our Parks, and the Yes on E – A project of the Taxpayer Protection Association.

Bonnie Stone, Elections Analyst, City Clerk's Office introduced staff assistants Tridae Hughes and Clementina Jordano, who would assist in the audit drawing.

Messrs. Mel Shapiro and John Mienstedt volunteered to participate in the random drawing.

Under the \$10,000 to \$74,999 category, Mr. Mienstedt drew San Diegans for the Protection of Responsible Beach Rights for audit.

To assure that all names were placed in the container for drawing, Mr. Shapiro drew the second capsule, which identified San Diegans for Safe Beaches.

Under the \$75,000 and above category, Mr. Shapiro drew the Save Mission Bay, Save Our Parks Committee for audit.

To assure that all names were placed in the container for drawing, Mr. Mienstedt drew the No on F – A Project of the Taxpayer Protection Association. The third capsule was drawn by Mr. Shapiro and identified the Yes on E – A Project of the Taxpayer Protection Association.

Item-4: Reporting Results of Closed Session

Chairwoman reported the results of the Closed Session Meeting of September 11, 2003, as follows:

Item 2: Conference with Legal Counsel (4 potential matters)

Case No. 2002-43

Motion: Dismiss

Moved/Seconded: Leonard/Kolker

Vote: Unanimous

Excused: Dick

Case No. 2002-43

Status report. No action

Case No. 2003-19

Motion: Dismiss

Moved/Seconded: Stefano/Vega

Vote: Unanimous

Case No. 2003-08

Motion: Dismiss

Moved/Seconded: Kolker/Leonard

Vote: Unanimous

Excused: Dick/Vega

Item 1: Employment Matter

Motion: Accept resignation of Charles B. Walker

Moved/Seconded: Leonard/Riel

Vote: Unanimous

Item-5: Approval of Commission Minutes.

APPROVAL OF COMMISSION MINUTES OF THE MEETING OF SEPTEMBER 25, 2003.

Motion: Approve minutes

Motion/Second: Kolker/Thomas-Stefano

Vote: Unanimous

Excused: Dick/Riel

Item-6: Non-Agenda Public Comment.

None.

Item-7: Commissioner Comment.

None.

Item-8: Executive Director Comment.

None.

Item-9: Deputy City Attorney Comment.

Deputy City Attorney Rick Duvernay introduced Senior Deputy City Attorney Dave James, who will be replacing him as legal advisor to the Ethics Commission.

Item-10: Proposed Amendment to Conflict of Interest Codes for Land Use Committees.

Commissioner Leonard asked if she should recuse herself from participating on this item, explaining she was on the Mission Trails Regional Task Force.

Rick Duvernay stated that based on the statutory standard set in state law, the determination had been made that the task force be required to file, and the fact there was no economic interest, Ms. Leonard could participate and vote on this item.

Steve Ross presented the staff report.

Motion: Accept recommendation as amended to maintain filing requirements for the Agricultural Board and Old Town San Diego Planned District Design Review Board, and to instruct Ethics Commission staff to assist in implementing these recommendations.

Moved/Seconded: Kolker/Leonard

Vote: Unanimous

Excused: Dick/Riel

Item-11: Status Report from Personnel Ad Hoc Committee

Dorothy Leonard stated Bonnie Stone, City Clerk's Office, had agreed to assist the commission in the processing of applications and interviews for the Executive Director position.

Ms. Leonard reported that the job announcement had been prepared and posted on the City's Employment Website as well as a link from the Ethics Commission homepage. The job announcement would also be posted on COGEL, and a number of newspapers. Additionally, the City's Human Resources Department had circulated the job announcement to all qualified city employees.

Item-12: Adjournment.

Chairwoman Dorothy Smith adjourned the meeting to Closed Session at 5:45 p.m.

Dorothy L. Smith, Chairwoman
Ethics Commission

Janet MacFarlane, Executive Secretary
Ethics Commission

THIS INFORMATION WILL BE MADE AVAILABLE IN ALTERNATIVE FORMATS UPON REQUEST.